

Town of Weare
ZONING BOARD OF ADJUSTMENT
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**ZONING BOARD OF ADJUSTMENT
MINUTES
Tuesday May 3, 2011
FINAL COPY**

PRESENT: Jack Dearborn, Chairman; Forrest Esenwine, Member; June Purington, Member; Malcolm Wright, Member; Stu Richmond; Chip Meany, Code Enforcement Officer; Sheila Savaria, Recording Secretary

GUESTS: Ginger Esenwine, Ann Andrus, Tim Drew, Craig Knowles, Lee Marcroft, Mary Graves, Daniel Muller, Charles Cleary, Jan Snyder, Jim Blouin, Kim Blouin, Brett Merrill, Gerald Haynes, Patrick Breur, Susan Breur, Amy Allan, Dave Allan, Frank Campana, Heleen Kurk, Sherry Burdick

I. INTRODUCTION:

Chairman Jack Dearborn called this meeting to order at 7:35 PM and introduced Stu Richmond as a new member of the Board. Mr. Dearborn explained how the Board conducts business, then recused himself as Chairman for the first case, and appointed Forrest Esenwine as acting Chairman. Mr. Esenwine asked the members present to introduce themselves.

II. PUBLIC HEARINGS:

Case #0211 21 B&B Lane LLC
Motion for Rehearing the March 1, 2011 decision
on the Graves' Administrative Appeal.

Mr. Esenwine explained that a rehearing had been granted for the property at B&B Lane regarding the 1st decision made by the Planning Board dealing with the interpretation of specifications laid out by the ZBA. That decision made by the Planning Board was appealed to the ZBA, who felt it was not acceptable, and in order to correct that, a rehearing was granted.

Malcolm Wright voiced his concern that abutters were not notified that this was a rehearing, because it was mistakenly posted as a motion for rehearing. Chip Meany confirmed that the notice sent to abutters was for a motion for rehearing and not the rehearing itself as granted at the last meeting. Vice Chairman Esenwine feels the rehearing should be heard at this meeting since it was already granted at the last meeting.

Malcolm Wright moved to accept the application as a motion for rehearing; June Purington seconded, Forrest Esenwine, June Purington, and Neal Kurk voted in favor. Stu Richmond and Malcolm Wright abstained. This vote was invalid because Neal Kurk was asked to recuse himself, so his vote did not count and there are three votes needed to pass the motion. A new vote was taken.

Malcolm Wright moved to accept the application as a motion for rehearing; June Purington seconded. June Purington and Forrest Esenwine voted in favor, Malcolm Wright and Stu Richmond abstained. Since there were not 3 votes in favor of the motion, the rehearing will not be heard until next meeting.

Atty. Mueller and Atty. Cleary feels that the Board has already accepted the application at a previous meeting, so there is no need for another acceptance for rehearing at this meeting. Both Attorneys wish

to have the rehearing heard at this meeting. Vice Chairman Esenwine explained that their case was mistakenly posted as a motion for rehearing instead of the actual rehearing, so proper notification was not given. He assured everyone involved that this would be reposted properly for next months meeting.

Malcolm Wright moved to have case #0211 continued until next month's meeting as a rehearing and reposted properly; Forrest Esenwine seconded, all voted in favor. Case #0211 will be reposted to be heard next month.

Jack Dearborn and Neal Kurk stepped back in as members of the Board.

Case #0311 Cobb Hill Construction, Inc. Special Exception, Construction in the
 Mt. Dearborn Road Historic Overlay for
 Terry M. Knowles
 257 Mt. Dearborn Road
 Tax Map 408-63
 R/A Zone

Neal Kurk recused himself from this case because he is an abutter to the property.

The purpose of this Special Exception is to build a 2 story addition on the current dwelling, and a newly designed roof to be placed on an existing one car garage. Cobb Hill Construction was given permission to speak on the Knowles behalf.

Forrest Esenwine moved to accept the application for case #0311 as complete; Malcolm Wright seconded. Jack Dearborn appointed Stu Richmond to sit in as the 5th voting member on this case. All members voted in favor of the motion.

Ann Andrus, the design developer for Cobb Hill Construction read the 7 points listed on the application for Special Exception:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development because: The Mt. Dearborn Road Historic area overlay district is located within the rural agricultural district and is designed to preserve a scenic, historic, and open-space character of the designated zone. There is a single family dwelling unit, Circa 1945, and an attached 1 car garage existing on the lot. The proposed addition to the existing dwelling unit, and the replacement of the existing one car garage will conform in style, appearance, and materials to the character and period of the existing dwelling unit and the one car garage existing on the lot. The proposed addition will improve the overall appearance of the rear view of the dwelling by removing an open wood shed structure, and replacing it with a professionally designed 2-story addition. The dwelling unit will remain a single family dwelling. The Mt. Dearborn Road Historic area overly district permits the construction of single family dwellings and accessory uses, and the use requested is therefore appropriate to the zone.
2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area: The proposed use is permitted within this zone; will increase the overall attractiveness of the existing dwelling unit; will not adversely affect the neighborhood, and will produce no significant reduction of real estate values in the neighboring area.
3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians: There will be no increase in traffic, nor the creation of a hazardous situation resulting from the proposed use. The property currently contains a single family dwelling and a one car garage. After construction is completed, the use of the property will not change, it will continue to be a single family dwelling with an attached one car garage.
4. The proposed use will not cause an undue burden on the Town through the provision of basic Town services: The use of the property will not change, and will not require the use of additional Town

services.

5. Adequate off-street parking be provided if determined necessary by the Zoning Board of Adjustment: The subject property contains a one car garage and a semi-circular driveway, which provides adequate off-street parking for the applicant's 2 vehicles. The existing off-street parking will not be altered by the proposed construction.

6. A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees: The applicant, Terry Knowles, owns either individually, or in her capacity as a trustee, the abutting property to the north, east, and south of the subject property, and will not require the creation of a buffer. The dwelling house occupied to the west by Heleen and Neal Kurk is not visible either by the existing dwelling nor the proposed addition.

7. No response.

There were no questions from the Board. There were no disapproving abutters.

Approving Abutters:

Heleen Kurk: Ms. Kurk fully approves of the plan as stated, and appreciates the degree of detail and professionalism in following the procedure for the historic overlay.

Neal Kurk: Mr. Kurk said this addition to the house is in full conformance with the zoning article that requires a special exception. The applicants materials show that the roof will be of the same metal structure, the siding will be of the same wood structure, the windows in their location, and the size of the panes match up with existing windows. Mr. Kurk goes on to say it is clear that the applicant meets all the requirements of the ordinance and their application should be approved.

Chairman Dearborn closed the hearing at 8:15pm.

June Purington moved to grant the Special Exception in case #0311 and noted that all 7 points have been met; Stu Richmond seconded, all voted in favor.

Case #0411 Cheryl A. Wright Special Exception, Construction in the
Clinton Grove Historical District Overlay
281 Hodgdon Road
Tax Map 407-68
R/A Zone

Chairman Dearborn read part of the application that said the proposed use or existing use is affected because there is no bathroom, or bedroom due to demolition of existing 'L' caused by water penetration and rot. The proposed use requires an appeal to the ZBA because rot and mold had to be removed in order to rebuild up to code. Square feet have been added and the foundation needs to be poured. Chip Meany explained that when the scale of this project was brought to his attention, he immediately issued a cease and desist order.

Chairman Dearborn appointed Stu Richmond as a voting member for this case.

Forrest Esenwine moved to accept the application for case #0411; Stu Richmond seconded. Discussion: Mr. Esenwine says there are many problems with the application including it being hard to follow, the drawings not conforming to ZBA rules, a name discrepancy on the deed, and the 7 points on the application are not properly addressed. Neal Kurk states that there is very significant information missing that is needed for the Board to make a decision. All members voted in opposition to accepting the application as complete.

Mr. Dearborn explained to the applicant that they need to articulate their position on the 7 points on

the application and suggests at least one sentence for each point. Also, the applicant should show the location of the house, the proper scale, location of wells, distance from the setbacks, etc. Mr. Dearborn suggests the applicants meet with Mr. Meany to ensure they are reasonably compliant. Mr. Meany asked the Board for guidance in this emergency situation and if he can allow the applicants to put a bathroom in the building. Mr. Dearborn responded that it was up to Mr. Meany; it was not the Board's issue.

III. OTHER BUSINESS:

Minutes: Forrest Esenwine moved to accept the second draft of the April 5, 2011 minutes as distributed; Malcolm Wright seconded, 4 members voted in favor, Stu Richmond abstained.

Chip Meany presented a request from Carl Landon for a one year extension on a variance concerning Article 17.17.1 for lots 103:018, 103:033 & 103:035, Russell Drive.

Forrest Esenwine moved that the variance for tax map 103, lots 18, 33 & 35, on Russell Drive be extended for one year; Malcolm Wright seconded, all voted in favor.

IV. ADJOURNMENT: As there was no other business to come before the board, Forrest Esenwine moved to adjourn at 8:45 pm; June Purington seconded, all voted in favor.

Respectfully Submitted,

Sheila Savaria
Recording Secretary